REMARKS/ARGUMENTS

On January 11, 2008 the examiner rejected the pending claims. In response, on April 11, 2008 claims 32-40 were amended from product-by-process claims to process claims. On July 16, 2008 the claims 32-40 were withdrawn as not being compliant with a restriction requirement to only product claims. On October 16, 2009 applicants cancelled claims 1-4, and amended claims 32-40 to again be product-by-process claims, therefore in compliance with the most recent restriction requirement, and made a request for continued examination. On October 31, 2008, the request was denied on the basis of the claims not being compliant with the scope of examination set forth in restriction.

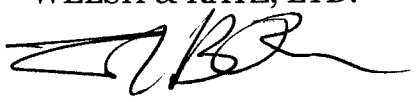
A phone conference on the morning of December 1, 2008 between Examiner Edmund H. Lee and attorney Erik B. Flom discussed the history above. It was agreed that the examiner would reconsider his rejection of the RCE, and commence examination under the RCE.

Applicants respectfully request that the Examiner reconsider the patentability of claims 32-40 in view of the amendments and remarks made in the RCE amendment and reply.

It is respectfully submitted that the subject application is in condition for allowance, and a Notice of Allowance is earnestly solicited. Should the Examiner have any questions, or find that conversation with Applicant's attorney would advance the application, please contact the undersigned attorney at the phone number below.

Respectfully submitted,

HUSCH BLACKWELL SANDERS
WELSH & KATZ, LTD.



Dated: December 1, 2008

Erik B. Flom
Reg. No. 41,021

Husch Blackwell sanders Welsh & Katz
120 South Riverside Plaza – 22nd Floor
Chicago, IL 60606
Phone: (312) 655-1500
Fax: (312) 655-1501